

Senate Engrossed

**FILED**

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2000

**Betsey Bayless**  
**Secretary of State**

CHAPTER 24

## **SENATE BILL 1331**

AN ACT

AMENDING SECTIONS 15-422, 16-803, 16-804, 48-802, 48-3709, 48-4433 AND  
48-4832, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-422, Arizona Revised Statutes, is amended to  
3 read:

4 15-422. Nominating petitions; ballots

5 A. ~~Nominating petitions may be filed not later than sixty days prior~~  
6 ~~to the election~~ SHALL BE FILED WITH THE COUNTY SCHOOL SUPERINTENDENT AS  
7 PRESCRIBED BY TITLE 16, CHAPTER 3. Nominating petitions shall be signed by  
8 a number of qualified electors of the district as provided in section 16-322  
9 ~~and shall be filed with the county school superintendent.~~ Nominating  
10 petitions for persons seeking to fill a vacancy on a governing board shall  
11 be designated as provided in section 16-314.

12 B. The county school superintendent may cause separate ballots to be  
13 prepared, or such school district candidates' names may be included as a part  
14 of the regular ballot. In any event the names of all persons whose petitions  
15 have been filed shall appear on a ballot, without partisan or other  
16 designation except the title of the office.

17 Sec. 2. Section 16-803, Arizona Revised Statutes, is amended to read:

18 16-803. Filing petition for recognition; submission of  
19 petitions to county recorder for signature  
20 verification

21 A. A petition for recognition of a new political party shall be filed  
22 with the secretary of state, the officer in charge of elections of the  
23 county, or the city or town clerk, as the case may be, not less than  
24 ~~seventy-five nor more than one hundred five~~ FORTY days prior to BEFORE the  
25 primary election FOR WHICH THE PARTY SEEKS RECOGNITION. A NEW PARTY THAT  
26 SEEKS BOTH STATE AND COUNTY RECOGNITION MAY FILE THE ORIGINAL PETITION WITH  
27 THE OFFICER IN CHARGE OF ELECTIONS FOR THE COUNTY AND A CERTIFIED COPY OF THE  
28 PETITION WITH THE SECRETARY OF STATE.

29 B. ~~No~~ A petition for recognition shall NOT be submitted for signature  
30 verification to a county recorder or a city or town clerk, as the case may  
31 be, later than ~~one hundred twelve~~ EIGHTY days prior to BEFORE the primary  
32 election.

33 C. The county recorder shall verify and count all signatures of  
34 qualified electors within thirty days after submission.

35 Sec. 3. Section 16-804, Arizona Revised Statutes, is amended to read:

36 16-804. Continued representation on basis of votes cast at last  
37 preceding general election or registered electors

38 A. A political organization ~~which~~ THAT at the last preceding general  
39 election cast for governor or presidential electors or for county attorney  
40 or for mayor, whichever applies, not less than five per cent of the total  
41 votes cast for governor or presidential electors, in the state or in such  
42 county, city or town, is entitled to representation as a political party on  
43 the official ballot for state officers or for officers of such county or  
44 local subdivision.

1 B. In lieu of ~~the provisions of~~ subsection A, a political organization  
2 is entitled to continued representation as a political party on the official  
3 ballot for state, county, city or town officers if, on November 1 of the year  
4 immediately preceding the year in which the general election for state or  
5 county officers and for city or town officers one hundred ~~twenty-five~~  
6 FIFTY-FIVE days immediately preceding the primary election in such  
7 jurisdiction, such party has registered electors in the party equal to at  
8 least two-thirds of one per cent of the total registered electors in such  
9 jurisdiction.

10 C. The secretary of state shall determine the political parties  
11 qualified for continued representation on the state ballot pursuant to this  
12 section by February 1 of the appropriate year. Each county recorder shall  
13 furnish to the secretary of state such information as the secretary of state  
14 may require no later than January 15 of such year.

15 D. Each county recorder shall determine the political parties  
16 qualified for the county ballot pursuant to this section by February 1 of the  
17 appropriate year.

18 E. Each city or town clerk of a city or town providing for partisan  
19 elections shall determine the political parties qualified for such city or  
20 town ballot pursuant to this section one hundred ~~ten~~ FORTY days ~~prior to~~  
21 BEFORE the primary election.

22 Sec. 4. Section 48-802, Arizona Revised Statutes, is amended to read:

23 48-802. Election procedures

24 A. All elections held pursuant to this article shall conform to the  
25 requirements of this section.

26 B. Except as otherwise provided in this article, the manner of  
27 conducting and voting at an election, contesting an election, keeping poll  
28 lists, canvassing votes and certifying returns shall be the same, as nearly  
29 as practicable, as in elections for county officers. If the fire district  
30 is administered by a board, after consultation with the officer in charge of  
31 elections, a fire district may divide itself into precincts. To the extent  
32 practicable, the precincts shall be equal or as nearly equal in population  
33 and shall conform to the boundaries of precincts adopted by the board of  
34 supervisors of the county. The fire district shall thereafter conduct its  
35 elections using those precincts.

36 C. No person may vote at the election other than a qualified elector  
37 of this state who has registered to vote at least twenty-nine days ~~prior to~~  
38 BEFORE the election at a residence within the district boundaries or proposed  
39 district boundaries created by the merger of fire districts. A person  
40 offering to vote at a fire district election for which no fire district  
41 register has been supplied shall sign an affidavit stating his address and  
42 the fire district in which he resides and swearing he is qualified to vote  
43 and has not voted at the fire district election being held. A person  
44 offering to vote at a fire district election for which a fire district

1 register has been supplied shall proceed as required for voting at any  
2 election at which precinct registers are used.

3 D. In elections for an elected chief and secretary-treasurer or  
4 district board members:

5 1. The person or persons within the district or precinct, as  
6 applicable, receiving the highest number of votes shall be declared elected.

7 2. Candidates must be, and during incumbency must remain, qualified  
8 electors of the fire district, or in an election to merge fire districts, the  
9 proposed fire district. In a fire district that is divided into precincts  
10 as prescribed by subsection B of this section, candidates shall be qualified  
11 electors of the precinct in which they are candidates and during incumbency  
12 must remain qualified electors of that precinct.

13 3. Elections, other than special elections to fill a vacancy or  
14 elections to merge or dissolve fire districts, shall be held on the first  
15 Tuesday after the first Monday in November of the first even numbered year  
16 following the year the district is declared organized by the board of  
17 supervisors and, in the case of a fire district administered by a district  
18 board, every two years thereafter on the first Tuesday after the first Monday  
19 in November. Elections shall be held every four years thereafter in  
20 districts administered by an elected chief.

21 4. Except for an election to reorganize a fire district, nominating  
22 petitions signed by ~~at least one-half of one per cent of the total votes cast~~  
23 ~~within the district or precinct, as applicable, at the previous election but~~  
24 ~~not more than two hundred fifty and not less than five signatures must~~ SHALL  
25 be filed with the board of supervisors ~~not later than sixty days prior to the~~  
26 election AS PRESCRIBED BY TITLE 16, CHAPTER 3.

27 5. The names of all nominated persons for office within the district  
28 or precinct, as applicable, shall appear on the ballot without partisan  
29 designation.

30 E. In an election to reorganize or dissolve a fire district, NOTICE  
31 OF the appropriate order of the board of supervisors or governing body of the  
32 district shall be posted in ~~three public places within the district not less~~  
33 ~~than twenty days prior to the date of the election, and if a newspaper is~~  
34 ~~published within the county having a general circulation within the district,~~  
35 ~~notice of the election shall be published in the newspaper not less than once~~  
36 ~~a week during each of the three calendar weeks preceding the calendar week~~  
37 ~~of the election. The election shall be held not less than sixty nor more~~  
38 ~~than ninety days after the date of the order~~ GIVEN AS PRESCRIBED BY TITLE  
39 16. An order to hold an election shall be issued not more than thirty days  
40 from the receipt of petitions pursuant to section 48-815.

41 F. In an election to merge fire districts, NOTICE OF the appropriate  
42 order of the board of supervisors shall be posted in ~~three public places~~  
43 ~~within the proposed district not less than twenty days before the date of the~~  
44 ~~election, and if a newspaper having a general circulation within the proposed~~  
45 ~~district is published within the county, notice of the election shall be~~

published in the newspaper not less than once a week during each of the three calendar weeks preceding the calendar week of the election GIVEN AS PRESCRIBED BY TITLE 16. In addition, notice of the election with an accurate map of the territory proposed to be merged shall be sent by first class mail to each owner of property that would be subject to taxation by the merged district at least sixty days prior to such BEFORE THE election. ~~The election shall be held not less than sixty nor more than ninety days after the date of the order.~~ An order to hold an election shall be issued not more than thirty days after the receipt of petitions to merge fire districts pursuant to section 48-820.

Sec. 5. Section 48-3709, Arizona Revised Statutes, is amended to read:

48-3709. District elections; nominating petitions

A. Candidates for election to the board of directors of a district shall be nominated by a petition THAT IS signed by not less than two hundred qualified electors of the county in which the candidate resides AND THAT IS FILED AS PRESCRIBED BY TITLE 16, CHAPTER 3. ~~Such nominating petitions shall be filed with the clerk of the board of supervisors of the county not less than sixty days nor more than ninety days before the date of the election.~~

B. The names of candidates for election to the board of directors of a district shall be included on the general election ballot of the county in which the candidate resides, without party designation, and the candidates receiving the highest number of votes for the number of directors to be elected from such county shall be declared elected. The manner of voting and conducting the elections for directors of a district shall conform to the provisions of the law relating to the general election of county officers.

Sec. 6. Section 48-4433, Arizona Revised Statutes, is amended to read:

48-4433. District elections; nominating petitions

A. A candidate for election to the board as a division director shall be nominated by a petition THAT IS signed by at least five hundred qualified electors of the division in which the candidate resides AND THAT IS FILED AS PRESCRIBED BY TITLE 16, CHAPTER 3.

B. If a division is located wholly in one county, the nominating petition shall be filed with the clerk of the board of supervisors or the elections officer of that county ~~at least sixty days but not more than ninety days before the date of the election~~ AS PRESCRIBED BY TITLE 16, CHAPTER 3.

C. If a division is located in two or more counties, the nominating petition shall be filed with the secretary of state ~~at least sixty days but not more than ninety days before the date of the election~~ AS PRESCRIBED BY TITLE 16, CHAPTER 3. The secretary of state shall immediately notify the boards of supervisors of each county included in the division. The board of supervisors so notified shall provide for the manner of voting and conduct of the election as provided for in subsection D OF THIS SECTION.

D. The names of the candidates for election to the board as division directors shall be included on the general election ballot of the division in which the candidate resides, without party designation. The manner of

1 voting and conducting the election for the division directors shall conform  
2 to the provisions of law relating to the general election of county officers.

3 E. The procedures for nomination and election of at large directors  
4 shall be established by the board by rule adopted within sixty days after the  
5 appointment of the initial board subject to the following:

6 1. Only district members are eligible to vote for at large directors.

7 2. Each district member is entitled to cast three votes for each  
8 acre-foot of replenishment obligation as computed for that district member  
9 pursuant to section 48-4463 during the four years preceding the election.

10 In the initial election of at large directors, each district member is  
11 entitled to cast three votes for each acre-foot of the replenishment  
12 obligation that would have been computed if the district had existed for the  
13 entire period between January 1 of the fourth year preceding the calendar  
14 year in which the district is established and December 31 of the year  
15 preceding the year in which the election takes place.

16 3. Each district member may cast its votes as computed under paragraph  
17 2 for three different candidates, may cumulate its votes for one candidate  
18 or may distribute its votes in any combination among three or fewer  
19 candidates.

20 4. The three candidates who receive the most votes shall serve as at  
21 large directors for the district for the prescribed term of office.

22 F. Title 16, chapter 2, article 3 does not apply to any election held  
23 pursuant to this chapter.

24 G. All expenses for the election of division directors incurred  
25 pursuant to this section are the responsibility of the county or counties  
26 involved. If a division is located in two or more counties, election  
27 expenses for that division shall be shared proportionally based on the number  
28 of qualified electors of each county that are residents of the division. All  
29 expenses for the election of at large directors are the responsibility of the  
30 district.

31 H. Candidates for election to the board and their campaign committees  
32 shall register with and report to the secretary of state and otherwise comply  
33 with the requirements of title 16, chapter 6 regarding elections under this  
34 section.

35 Sec. 7. Section 48-4832, Arizona Revised Statutes, is amended to read:  
36 48-4832. Elections; nominating petitions

37 A. A candidate for election to the permanent board as a division  
38 director shall be nominated by a petition signed by at least one hundred  
39 fifty qualified electors of the division in which the candidate resides. A  
40 candidate for election to the permanent board as an at large county director  
41 shall be nominated by a petition signed by at least one hundred fifty  
42 qualified electors of that portion of the county that is within the district.

43 B. If a division is located wholly in one county and for the at large  
44 board position for that county, the nominating petition shall be filed with  
45 the clerk of the board of supervisors or the elections officer of that county

1 ~~at least sixty days but not more than ninety days before the date of the~~  
2 ~~election AS PRESCRIBED BY TITLE 16, CHAPTER 3.~~

3 C. If a division is located in two or more counties, the nominating  
4 petition shall be filed with the secretary of state ~~at least sixty days but~~  
5 ~~not more than ninety days before the date of the election AS PRESCRIBED BY~~  
6 TITLE 16, CHAPTER 3. The secretary of state shall immediately notify the  
7 board of supervisors of each county included in the division. Each board of  
8 supervisors so notified shall provide for the manner of voting and conduct  
9 of the election as provided for in subsection D.

10 D. The names of the candidates for election to the permanent board  
11 shall be included on the election ballot of the division in which the  
12 candidate resides, or on the election ballot for that portion of the county  
13 that is within the district, as appropriate, without party designation. The  
14 manner of voting and conducting the election for the directors shall conform  
15 to the provisions of law relating to the general election of county officers  
16 including compliance with any applicable federal voting laws.

17 E. Title 16, chapter 2, article 3 does not apply to any election held  
18 pursuant to this section.

19 F. All expenses for the election of members of the permanent board  
20 incurred pursuant to this section are the responsibility of the county or  
21 counties involved. If a division is located in two or more counties,  
22 election expenses for that division shall be shared proportionately based on  
23 the number of qualified electors of each county who are residents of the  
24 division.

25 G. Candidates for the permanent board and their campaign committees  
26 shall register with and report to the secretary of state and otherwise comply  
27 with the requirements of title 16, chapter 6, regarding elections under this  
28 section.

29 Sec. 8. Emergency

30 This act is an emergency measure that is necessary to preserve the  
31 public peace, health or safety and is operative immediately as provided by  
32 law.

APPROVED BY THE GOVERNOR MARCH 20, 2000

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